

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 3:09-CR-67
(BAILEY)**

ERWIN BERNARD REDDING,

Defendant.

JUDGMENT ORDER

On the 12th day of January 2010, the above-styled matter came before the Court for jury selection and trial. The defendant, Erwin Bernard Redding, was present in person and by counsel, James T. Kratovil. The United States was represented by Assistant United States Attorneys Thomas O. Mucklow and Erin K. Reisenweber.

On that same day, after the jury was selected and sworn, the United States presented evidence against the defendant. On the second scheduled day of trial, the jury was dismissed due to illness. Trial resumed on January 14, and the United States rested its case. Subsequent to both parties resting their cases on the 14th day of January, 2010, the parties presented closing arguments, and the Court instructed the jury as to the controlling law of the case.

At the close of trial, the defendant moved for a judgment of acquittal in accordance with Rule 29 of the Federal Rules of Criminal Procedure. The Court found that the United States had presented evidence sufficient to sustain a conviction. Accordingly, the defendant's oral motion was **DENIED**.

Following deliberations, the jury found the defendant **GUILTY** as to both counts of

distribution of cocaine base, also known as “crack.” The defendant was remanded to the custody of the United States Marshal Service.

The Court, therefore, **ORDERED** that:

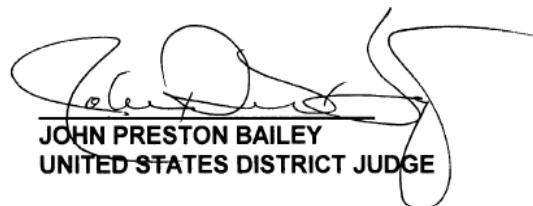
1. The defendant shall file any post-trial motions in accordance with Rule 29 of the Federal Rules of Criminal Procedure within ten (10) days of entry of this Order;
2. The United States shall file a response to any post-trial motions in accordance with Rule 29 of the Federal Rules of Criminal Procedure within ten (10) days of their filing date;
3. Pursuant to § 6A1 et seq. of the United States Sentencing Guidelines and Rule 32 of the Federal Rules of Criminal Procedure, it is hereby **ORDERED** that the Probation Office undertake a presentence investigation of the defendant and prepare a presentence report.

This Court notes the parties have filed their Rule 29 motions and responses thereto.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant, all counsel of record and to the United States Probation Office.

DATED: January 25, 2010.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE